

WPA 24677 of 2013

(Via Video Conference)

**Md. Riajuddin alias Raju Sk
Vs.
English Bazar Municipality & Ors.**

**Mr. Probal Kr. Mukherjee
Mr. Suhrid Sur**

..for the petitioner

**Mr. Amal Krishna Saha
Mr. Souvik Sarkar**

..for the respondent no.2

Mr. Pinaki Ranjan Mitra

..for the respondent no. 7

The writ petition is taken up for hearing in presence of the learned advocates representing the writ petitioner, English Bazar Municipality and respondent no. 7.

Mr. Suhrid Sur, learned advocate appearing for the writ petitioner has drawn attention of this Court to one representation dated 5th January, 2012 addressed to the Chairman, English Bazar Municipality, Malda, voicing his grievance relating to construction of an urinal encroaching a drain which situates adjacent to the premises of the writ petitioner causing inconvenience to the writ petitioner and it has also been stated in representation that the ingress and egress to the

premises of the writ petitioner has been seriously hampered in view such construction. It has been submitted that the representation dated 5th January, 2012 has been kept pending from the year 2012 and the petitioner has prayed for a decision based on the allegation contained in the said representation in terms of Section 257 of the West Bengal Municipal Act, 1993.

English Bazar Municipality is represented by Mr. Amal Krishna Saha, learned advocate and the respondent no. 7 is represented by Mr. Pinaki Ranjan Mitra, learned advocate.

It has been submitted on behalf of the Municipality that if the issue is remanded to the concerned authority of the Municipality then in accordance with law decision to be taken on the representation made by the petitioner.

On behalf of respondent no. 7 it is submitted the issue involved in the writ petition is the subject matter of a civil suit which was decreed by the civil Court therefore nothing remains to be decided on this writ petition.

Having considered the submissions made by the parties to this writ petition this Court finds it apposite to direct the Chairman of English Bazar Municipality, respondent no. 2, to take decision on the representation of the petitioner dated 5th

January, 2012 as well as on placing reliance on the application of the petitioner which has been made in terms of Section 257 of the West Bengal Municipal Act, 1993, pages 24-25 of the writ petition, within a period of 12 (twelve) weeks from the date of communication of this order and the respondent no. 2 is further directed to pass a reasoned order after granting opportunity of hearing to the writ petitioner as well as the private respondents.

With the above direction, the writ petition is disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Saugata Bhattacharyya, J.)